# IN THE UNITED STATES PATENT AND TRA\ 1ARK OFFICE

Applicant:      Peter M. Redford, Donald S. Stern

Assignee:       TV Interactive Data Corporation

Title:          A METHOD FOR STARTING UP A PROCESS AUTOMATICALLY
                ON INSERTION OF A STORAGE MEDIA INTO A HOST
                DEVICE

Serial No.:     08/439,562      Filed:  May 11, 1995

Examiner:       J. Cheng        Group Art Unit:  3302

Attorney Docket No.:  M-2726-1D US

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                                        San Jose, California
                                        July 25, 1996

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D. C.  20231

## DECLARATION OF FACTS

Sir:

   I, Donald S. Stern hereby declare:

   1.   I am a citizen of the United States of America, and I
reside at 5708 Calmor Avenue, #4, San Jose, California 95123.

   2.   I received from the University of Kentucky at
Lexington, Kentucky, a Bachelor of Science Degree in Electrical
Engineering in 1978, and from Ohio Institute of Technology,
Columbus, Ohio, an Associate of Science Degree in Electrical
Engineering in 1975.

   3.   During the time from 1978 to the present, I have been
working almost exclusively in the field of Electrical
Engineering and Computer Science.  I have been the Vice
President of Engineering and Manufacturing of TV Interactive
Data Corporation, 2150 Trade Zone Boulevard, Suite 201, San
Jose, California 95131 from 1994 to the present.

   4.   I am a co-inventor of the invention described in the
above-identified application, and I am familiar with the claims
currently pending in the application.

   5.   On July 23, 1996, Examiner Joe Cheng indicated that
certain products from SyQuest Technology, Inc. may be relevant
to claims pending in the above-identified application.

6. I have personally operated a host device having a peripheral SQ5110C made by SyQuest Technology, Inc. for over one year. Attached herewith as Exhibit "A" is an extract from a "HARDWARE INSTALLATION USER'S GUIDE" that describes "insertion, removal...of the data cartridge" into the peripheral SQ5110C.

7. On July 24 and 25, 1996, I contacted Jim Miller at the phone number (510) 226-4134 at SyQuest Technology, Inc., 47071 Bayside Parkway, Fremont, California 94538.

8. On information and belief, Jim Miller's title at SyQuest Technology, Inc. is "Senior Staff Engineer."

9. I asked Jim Miller whether any product (hereinafter "SyQuest peripheral") made by SyQuest Technology, Inc. has a feature for automatically starting a process on insertion of a storage media, such as a CD-ROM.

10. Jim Miller told me that none of the SyQuest peripherals has the feature described in ¶ 9.

11. I then asked Jim Miller whether on insertion of a storage media into a SyQuest peripheral, the peripheral causes a host device to automatically check for a file on the inserted storage media.

12. Jim Miller indicated to me that none of the SyQuest peripherals causes a host device to perform the automatic checking step described in ¶ 11.

13. I also asked Jim Miller whether on insertion of a storage media any SyQuest peripheral causes a host device to automatically load information or automatically use information from the inserted storage media.

14. Jim Miller stated that none of the SyQuest peripherals causes a host to perform the automatic loading or the automatic using steps described in ¶ 13.

15. Based on my above-described discussion with Mr. Miller and based on my personal knowledge and experience, I believe that none of SyQuest's products discloses or suggests

any of the various "automatic" steps recited in Claims 63, 111, 120 and 124 of the above-identified application.

16. On July 23, 1996, Examiner Joe Cheng also indicated that a U.S. Patent 5,440,244 may contain disclosure relevant to claims pending in the above-identified application.

17. I have reviewed U.S. Patent 5,440,244 entitled "Method and Apparatus for Controlling a Mixed Voltage Interface In a Multivoltage System" by Richter et al.

18. Richter et al. disclose an "Interrupt Request (-IREQ)" signal that (when made available) "is asserted by an I/O card to indicate to the host that a card device requires host software services" (col. 321-322).

19. Richter et al. also disclose "Card Detect (-CD1&-CD2)" signals that "provide for proper detection of PC card insertion" (col. 315-316).

20. Richter et al. further disclose "a card status changed (-STSCHG) signal" (col. 307-308) that can "alert the system to changes in Ready/Busy (RDY/BSY), Write Protect (WP), or Battery Voltage (BVD) conditions of the card" (col. 323-324).

21. Based on my review of Richter et al., I believe that Richter et al. fail to disclose or suggest any of the "automatic" steps recited in Claims 63, 111, 120 and 124 of the above-identified application.

22. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such

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willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: 7/25/96

Donald Stern
Vice President of Engineering and
Manufacturing, TV Interactive
Data Corporation

### Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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Kelly Klaver                    7-25-96
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